

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

Criminal Action No. 1:11-0226

REGINA FRYE

ORDER

Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) and by consent of the parties, this matter was referred to the United States Magistrate Judge R. Clarke VanDervort for purposes of the defendant entering a plea of guilty. At that hearing, the defendant voluntarily waived her right to have an Article III Judge preside over her guilty plea, instead proceeding in front of Magistrate Judge VanDervort. Additionally, the defendant had previously tendered to the Court a written Waiver of Article III Judge and Consent to Enter Guilty Plea Before Magistrate Judge, which waiver and consent were signed by defendant, her counsel, and counsel for the Government. (Doc. # 29).

Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on January 5, 2012, in which he recommended that the court conditionally **ACCEPT** the Defendant's

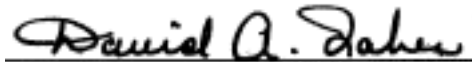
plea of guilty to Count One of the Indictment.<sup>1</sup> (Doc. # 33). In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections within the time allotted constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the required time period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge VanDervort and **ACCEPTS** the defendant's plea of guilty, and the defendant stands provisionally guilty of Count One of the indictment.

The Clerk is directed to forward a copy of this Order to counsel of record.

**IT IS SO ORDERED** on this 8th day of February, 2012.

ENTER:

A handwritten signature in dark ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge

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<sup>1</sup> Although Magistrate Judge VanDervort recommended that the court "conditionally" accept the guilty plea, the court notes that the guilty plea is actually accepted without conditions.